



PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Keith D. ALLEN

Application No.: 10/005,216

Filed: December 4, 2001

For: TRANSGENIC MICE  
CONTAINING TRP6 CALCIUM ION  
CHANNEL GENE DISRUPTIONS

Examiner: Unassigned

Art Unit: 1632

Atty. Docket No.: R-881

**PRELIMINARY AMENDMENT**COPY OF PAPERS  
ORIGINALLY FILEDCommissioner for Patents  
Washington, D.C. 20231

Sir:

Prior to the examination of the above-referenced application and in response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed June 19, 2002, entry of the following amendment is respectfully requested:

**In the Drawings**

Please replace Figure 3 in the application with the enclosed new Figure 3. A marked up copy of Figure 3 is also enclosed, with corrections indicated in red.

**REMARKS**

The amendment to Figure 3 merely adds a sequence identifier to the figure to comply with 37 C.F.R. 1.821(d) and does not introduce new matter. Entry of the foregoing amendment is respectfully requested.

Favorable action on the merits is earnestly solicited.

Date: July 10, 2002

Respectfully submitted,

  
Robert J. Driscoll, Reg. No. 47,536DELTAGEN, INC.  
740 Bay Road  
Redwood City, CA 94063  
(650) 569-5168**CERTIFICATE OF MAILING UNDER 37 CFR 1.8**

I hereby certify that this correspondence and its listed enclosures is being deposited with the United States Postal Service as First Class Mail, postage paid, in an envelope addressed to: Assistant Commissioner for Patents and Trademarks, Washington, D.C. 20231, Box NF Amendment/OIPE on July 10, 2002  
Name: **Don Mixon**

Signed: Date: 7/11/02

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER OF  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20530  
WWW.USPTO.GOV

|                    |                     |                       |                        |
|--------------------|---------------------|-----------------------|------------------------|
| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
| 10/005,216         | 2/04/2001           | Keith D. Allen        | R-881                  |

Deltagen, Inc.  
740 Bay Road  
Redwood City, CA 94063

**CONFIRMATION NO. 6807**

## FORMALITIES LETTER



\*OC000000008309389\*

Date Mailed: 06/19/2002

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING  
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821 - 1.825. The application must be in sequence compliance before examination on the merits.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extension of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to: The Office Of Initial Patent Examination.

See the attachment.

**Applicant Must Provide as part of the response:**

- ☒ An initial or substitute computer readable form (CRF) copy of the “Sequence Listing”.
- ☒ An initial or substitute paper copy of the “Sequence Listing”, as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

**For questions regarding compliance to these requirements, please contact:**

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600

- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

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*A copy of this notice MUST be returned with the reply.*

K. Little  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 – COPY TO BE RETURNED WITH RESPONSE



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**APPLICATION 10/005216  
DOES NOT COMPLY WITH THE  
SEQUENCE RULES BECAUSE:**

|   |   |
|---|---|
|   | CRF, paper copy of sequence listing, and statement that both are same are missing                     |
|   | CRF contains error(s) according to STIC Report  |
|   | CRF damaged or unreadable according to STIC Report  |
|   | CRF transferred from prior application is not compliant   |
| x | Other: Figure 3 contains nucleic acid sequences that are not described in the sequence listing or CRF |